

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1401.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF EVAPORATED APPLES.

On December 2, 1911, the United States Attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against W. M. Simpson and A. R. Mintun, trading under the firm name of Simpson & Mintun Fruit & Produce Co., alleging shipment by them, in violation of the Food and Drugs Act, on or about September 24, 1910, from the State of Arkansas into the State of Texas of a quantity of evaporated apples which were adulterated and misbranded. The product was labeled: "New Crop 1910 Choice Ring Evaporated Apples, Bleached with Sulphur, Packed by Simpson, Mintun Fruit & Produce Co., Fayetteville, Ark. Goldman Grocer Co., Paris, Tex."

An examination of samples of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: (500 gram sample) Live worms, 31; live beetles, 3; dead fly, 1; an undue amount of skins, imperfect portions left in the apples that should have been trimmed out, and too much fine material to warrant grading as "Choice." Misbranding was alleged for the reason that the product was represented on the label to be choice ring evaporated apples, which statement was false and misleading and calculated to deceive and mislead the purchaser, for the reason that the product was not as represented, but was a low grade of evaporated apples composed of an undue amount of skins, imperfect portions left in the apples that should have been trimmed out, and too much fine material to warrant being graded as choice. Adulteration was alleged for the reason that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance, to wit, live worms, live beetles, dead flies, cores and skins of apples.

On December 7, 1911, the defendants pleaded guilty, and each was fined \$10 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *February 7, 1912.*